

4362 Peachtree Road • Brookhaven, Georgia 30319 • (404) 637-0500 • Fax (404) 637-0501 • www.brookhavenga.gov

Variance and Special Exceptions Application

This application applies to:

- Variances
- Administrative Variances
- Special Exceptions

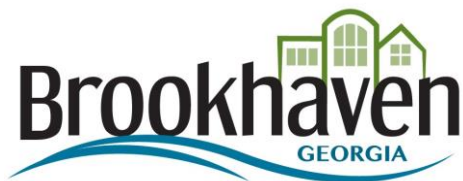
If an applicant needs to further relax the dimensional standards of the Zoning Ordinance for a specific property for the purpose of construction, they can request a variance to the text of the Zoning Ordinance. Such a request might seek to modify the strict terms of lot coverage, placement, setback, yard, buffer, landscape strip, parking and loading or other regulations, but such an application may not occur concurrently with a land use map amendment or modification of conditions, and the approval of one does not indemnify the approval of the other. The Zoning Board of Appeals shall determine whether the requested variance or special exception meets the applicable requirements. The Community Development Director shall determine whether the requested administrative variance meets the applicable requirements.

The variance process for the City of Brookhaven involves one public hearing before the Zoning Board of Appeals, where the item will be heard and a decision will be made based on the applicant's submittal information and the report generated by city staff. The Zoning Board of Appeals meets the third Wednesday of each month at 7:00 PM. in the Brookhaven Council Chambers, located at 4362 Peachtree Road, Brookhaven, GA 30319.

The Administrative Variance process does not require a public hearing. The Community Development Director will issue a decision within 45 days for administrative variances related to Stream Buffers and 30 days for general administrative variance requests. The decision date begins after the date of application acceptance by city staff. The public is invited to provide comments to city staff during the required 15-day public comment period.

Some aspects of development are not allowed to be varied, including requests that would:

- a) Allow a structure or use not authorized in the applicable zoning district or a density of development that is not authorized within such district;
- b) Allow an increase in maximum height of building;
- c) Allow any variance which conflicts with or changes any requirement enacted as a condition of zoning or of a special land use permit by the city council;
- d) Vary the requirements of Chapter 21 for an off premises sign which decreases the applicable development standard by thirty (30) percent or more, or to grant more than two (2) variances for a specific parcel of property for an off-premises sign during a five-year period of time;
- e) Reduce, waive or modify in any manner the minimum lot width and minimum lot area where the lot has been conditionally zoned to a specific site plan or the minimum lot area of any zoning district;
- f) Reduce, waive or modify in any manner the minimum lot area established by the city council for any use permitted by special land use permit or by special exception;
- g) Extend the time period for a temporary outdoor social, religious, entertainment or recreation activity approved by the Community Development Department director;

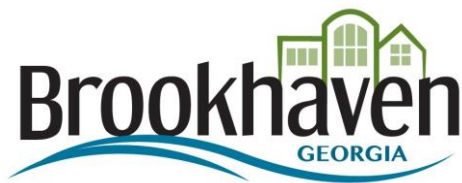


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To initiate a request for a Variance or Special Exception within the City of Brookhaven, an applicant must schedule and hold a pre-application meeting with the Planning & Zoning staff, which must take place by the deadline of 4pm on the Friday preceding the application submission deadline on the first Wednesday of the month. These meetings are scheduled as-needed and the purpose of the pre-application meeting is to establish an expectation on the part of both staff and the applicant for the zoning appeal process. The applicant shall provide preliminary/finalized site plans, a letter of intent regarding the request, and/or other illustrative documents as necessary at the time of the pre-application meeting. The applicant will then provide an overview of their proposed application and their reasoning for why the application is necessary. Staff can then inform the applicant of the City's process to effect the proposed change, and offer a preliminary analysis of the feasibility of the proposal, including ways upon which the proposal may need improvements or revisions.

Following the pre-application meeting, applicants can submit their application and required supplemental materials (detailed in the following checklist) by the deadline of 4pm on the first Wednesday of each month to:

City of Brookhaven
Community Development Department
4362 Peachtree Road
Brookhaven, GA 30319

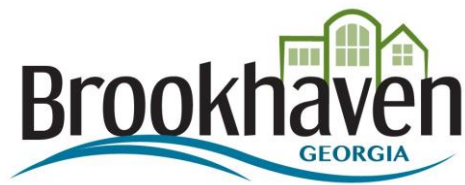


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Variance and Special Exceptions Application Checklist

(Incomplete applications will not be accepted)

- ☐ Pre-application meeting (A staff-signed pre-application form must be submitted with application)
- ☐ Completed Application (with all relevant information to your case).
- ☐ **Electronic version of the entirety of your application submittal, saved as a single PDF.**
- ☐ Survey Plat of the subject property in accordance with the attached site plan checklist.
- ☐ Signed and notarized affidavits of all property owners. Use separate sheet.
- ☐ Signed Campaign Disclosure Statement.
- ☐ Written legal description which includes a narrative of the metes and bounds of the property.
- ☐ Relevant Site Photos.
- ☐ **Letter of Intent for Zoning Variances (Chapter 27):** Please describe your situation and **how** your variance request is a result of **all** of the following conditions:
 - 1) By reason of exceptional narrowness, shallowness, or shape of a specific lot, or by reason of exceptional topographic conditions, which were not created by the owner or applicant, the strict application of the requirements of this Chapter would deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district;
 - 2) The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located;
 - 3) The grant of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located;
 - 4) The literal interpretation and strict application of the applicable provisions or requirements of this Chapter would cause undue and unnecessary hardship; not merely impose a casual/discretionary inconvenience upon the applicant or his assigns; and
 - 5) The requested variance would be consistent with the spirit and purpose of this Chapter and the City of Brookhaven Comprehensive Plan text.
- ☐ **Letter of Intent for Sign Variances (Chapter 21):** Please describe your situation and **how** your variance request is a result of **all** of the following conditions:
 - 1) Exceptional conditions pertaining to the property where the sign is to be located as a result of its size, shape, or topography, which are not applicable to other lands or structures in the area;
 - 2) Granting the variance would not confer on the applicant any significant privileges which are denied to others similarly situated;
 - 3) The exceptional circumstances are not the result of action by the applicant;
 - 4) The requested variance is the minimum variance necessary to allow the applicant to enjoy the rights commonly enjoyed by others similarly situated;
 - 5) Granting the variance would not violate more than one (1) standard of this article; and
 - 6) Granting the variance would not result in allowing a sign that interferes with road or highway visibility or obstructs or otherwise interferes with the safe and orderly movement of traffic.



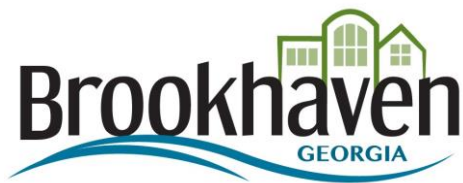
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Variances shall be limited to the minimum relief necessary to overcome the hardship. No variances shall be granted to allow an increase in height of a sign greater than twenty (20) percent of that allowed by the Sign Ordinance; to increase the aggregate area of signs beyond what is permitted; to increase the size of a sign great than twenty (20) percent of that allowed by the Sign Ordinance; and to increase the size or height of a banner or standard informational sign.

Site Plan Requirements

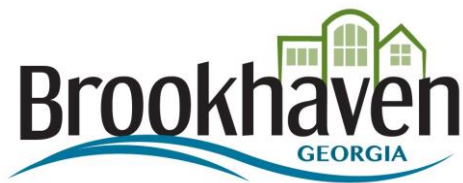
All applicable items must be included on the Site Plan; separate sheets may be used.

- ☐ Key and/or legend and site location map with North arrow.
- ☐ Boundary survey of subject property which includes dimensions along property lines that match the metes and bounds of the property's written legal description and clearly indicates the point of beginning.
- ☐ Acreage of subject property.
- ☐ Location of land lot lines and identification of land lots.
- ☐ Existing, proposed new dedicated and future reserved rights-of-way of all streets, roads, and railroads adjacent to and on the subject property.
- ☐ Proposed streets on the subject site.
- ☐ Current zoning of the subject site and adjoining properties.
- ☐ Existing buildings with square footages and heights (stories), wells, driveways, fences, cell towers, and any other structures or improvements on the subject property.
- ☐ Existing buildings' locations and heights (stories), wells, driveways, fences, cell towers, and any other structures or improvement on adjacent properties within 200 feet of the subject property.
- ☐ Location of proposed buildings with total square footage.
- ☐ Layout and minimum lot size of proposed single family residential lots.
- ☐ Topography on the subject site and adjacent property up to 200 feet as required to assess runoff effects.
- ☐ Location of overhead and underground electrical and pipeline transmission/conveyance lines.
- ☐ Required and/or proposed setbacks.
- ☐ 100-year flood plain horizontal limits and flood zone designations as shown on survey or FEMA FIRM maps.
- ☐ Required landscape strips, undisturbed buffers, and any other natural areas as required or proposed.
- ☐ Required and proposed parking spaces; Loading and unloading facilities.
- ☐ Lakes, streams, wetlands, and Waters of the State and associated buffers.
- ☐ Proposed stormwater management facilities.
- ☐ Community wastewater facilities including preliminary areas reserved for septic drain fields and points of access.



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- ☐ Availability of water system and sanitary sewer system.
- ☐ Location of existing trees and trees to be removed, or a statement that there are none, and whether the trees identified are specimen trees. *(A specimen tree is any hardwood (oak, hickories, poplars, etc.) or softwood (pines, evergreens, etc.) tree with a diameter at breast height (DBH) of 30 inches and larger, or a small tree (dogwoods, redbuds, sourwoods, etc.) with a DBH of 10 inches and larger. If no specimen trees exist on the site, note their absence on the plans. If a specimen tree is to be removed, provide a calculation for recompense at 1.5x the diameter.)*

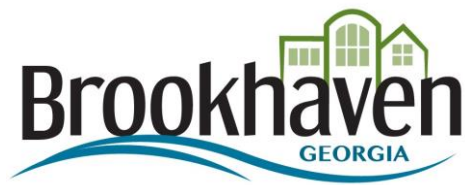


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Variance Application

Type	Type of Request: <input type="checkbox"/> Zoning Variance (Board) <input type="checkbox"/> Sign Variance (Board) <input type="checkbox"/> Variance (Administrative)			
	Applicable Zoning/Sign Code Section:			
	Nature of Request:	Required:	Proposed:	Minimum Setback Requirements
	<input type="checkbox"/> Setback	(See Chart to the Right)		Front
	<input type="checkbox"/> Sign			Side
	<input type="checkbox"/> # Parking Spaces			Rear
	<input type="checkbox"/> Other _____		Other	Other
Project	Name of Project/Subdivision:			Present Zoning:
	Property Address/Location:			
	District:	Land Lot:	Block:	Property ID:
Owner Information	Name:			
	Address:			
	Phone:		Fax:	
	Cell:		Email:	
Applicant	Name:			
	Address:			
	Phone:		Fax:	
	Cell:		Email:	
Affidavit	<i>To the best of my knowledge, this variance application form is correct and complete. If additional materials are determined to be necessary, I understand that I am responsible for filing additional materials as specified by the City of Brookhaven Zoning Ordinance. I understand that failure to supply all required information (per the relevant Applicant Checklists and Requirements of the Brookhaven Zoning Ordinance) will result in the rejection of this application. I have read the provisions of the Georgia Code Section 36-67A-3 as required regarding Campaign Disclosures. My Signed Campaign Disclosure Statement is included with the Application.</i>			
	Applicant's Name:			
	Applicant's Signature:			Date:
Notary	Sworn to and subscribed before me this _____ Day of _____ 20____			
	Notary Public:			
	Signature:			
	Date:			
Office Use	Application Received By:		Project Title:	Project Number:
	<input type="checkbox"/> Application Fee <input type="checkbox"/> Sign Fee (\$135 x number required*)—not required for AV <input type="checkbox"/> Legal Fee (\$10)			
	Fee: \$	Payment: <input type="checkbox"/> Cash <input type="checkbox"/> Check <input type="checkbox"/> CC		Date:
	<input type="checkbox"/> Approved <input type="checkbox"/> Approved with Conditions <input type="checkbox"/> Denied			Date:

*** One sign is required per street frontage and/or every 500 feet of street frontage**

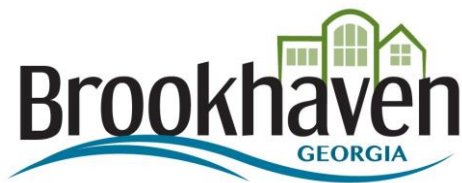


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Property Owner(s) Notarized Certification

The owner and petitioner acknowledge that this variance application form is correct and complete. By completing this form, all owners of the subject property certify authorization of the filing of the application for variance(s), and authorization of an applicant or agent to act on their behalf in the filing of the application including all subsequent application amendments.

Property Owner	Signature:		Date:
	Address:	City, State:	Zip:
	Phone:		
	Sworn to and subscribed before me this _____ day of _____, 20_____		
	Notary Public:		
Property Owner (If Applicable)	Signature:		Date:
	Address:	City, State:	Zip:
	Phone:		
	Sworn to and subscribed before me this _____ day of _____, 20_____		
	Notary Public:		
Property Owner (If Applicable)	Signature:		Date:
	Address:	City, State:	Zip:
	Phone:		
	Sworn to and subscribed before me this _____ day of _____, 20_____		
	Notary Public:		



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Campaign Disclosure Ordinance

Campaign Disclosure Ordinance

Please read the law and complete the Campaign Disclosure Statement on the following page if you are requesting a Rezoning, Concurrent Variance, or Conditional Use.

GA Citation/Title

GA Code 36-67A-3, Disclosure of campaign contributions

*38069 Code, 36-67A-3

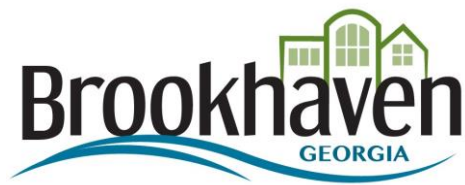
CODE OF GEORGIA TITLE 36. LOCAL GOVERNMENT PROVISIONS APPLICABLE TO COUNTIES AND MUNICIPAL CORPORATIONS CHAPTER 67A. CONFLICT OF INTEREST IN ZONING ACTIONS (Current through 2000 General Assembly)

36-67A-3 Disclosure of campaign contributions.

- a) When any applicant for rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:
 - 1) The name and official position of the local government official to whom the campaign contribution was made; and
 - 2) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.
- b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the rezoning action is first filed.
- c) When any opponent of a rezoning action has made, within two years immediately preceding the filing of the rezoning action being opposed, campaign contributions aggregating \$250.00 or more to a local government official of the local government which will consider the application, it shall be the duty of the opponent to file a disclosure with the governing authority respective local government showing:
 - 1) The name and official position of the local government official to whom the campaign contribution was made; and
 - 2) The dollar amount and description of each campaign contribution made by the opponent to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.
- d) The disclosure required by subsection (c) of this Code section shall be filed at least five calendar days prior to the first hearing by the local government of any of its agencies on the rezoning application.

(Code 1981, 36-67A-3, enacted by Ga. L. 1986, p. 1269, 1; Ga. L. 1991, p. 1365, 1; Ga. L. 1993, p. 91, 36.)

Official Code of Georgia Annotated Copyright 1982 – 2000 State of Georgia.



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Campaign Disclosure Statement

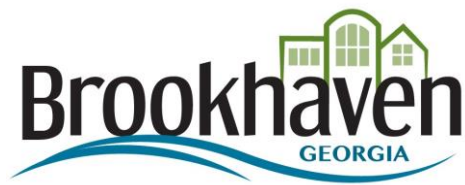
Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City of Brookhaven City Council or a member of the City of Brookhaven Planning Commission?

☐ YES ☐ NO

Applicant / Owner	Signature:
	Address:
	Date:

If the answer above is yes, please complete the following section:

Date	Government Official	Official Position	Description	Amount



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2015 ZBA Process and Meeting Calendar

	Application Deadline	Ad Runs	Sign Posted	ZBA Packet	ZBA Meeting
January	01/07/15	01/29/15	01/29/15	02/11/15	02/18/15
February	02/04/15	02/26/15	02/26/15	03/11/15	03/18/15
March	03/04/15	03/26/15	03/26/15	04/08/15	04/15/15
April	04/01/15	04/30/15	04/30/15	05/13/15	05/20/15
May	05/06/15	05/28/15	05/28/15	06/10/15	06/17/15
June	06/03/15	06/25/15	06/25/15	07/08/15	07/15/15
July	07/01/15	07/30/15	07/30/15	08/12/15	08/19/15
August	08/05/15	08/27/15	08/27/15	09/09/15	09/16/15
September	09/02/15	10/01/15	10/01/15	10/14/15	10/21/15
October	10/07/15	10/29/15	10/29/15	11/11/15	11/18/15
November	11/04/15	11/19/15	11/19/15	12/09/15	12/16/15
December	12/02/15	12/17/15	12/17/15	01/13/16	01/20/16